

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE
Cor. S/S Stemmers Run Rd., W/S * ZONING COMMISSIONER
of Marlyn Avenue *
401 Stemmers Run Road * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Case No. 95-239-XA
Stem-Med Corporation *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 401 Stemmers Run Road in the Essex section of Baltimore County. Special Exception approval is requested for a service garage for an auto glass repair and installation business, and to cease a previously approved use for a service station. The Petition for Variance seeks relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (BCZR) to permit a 0 ft. setback for parking spaces to a road right-of-way line, in lieu of the required 10 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case was Leopoldo Gruss, M.D., a principal of Stem-Med Corporation, property owner. Also present was Raymond Thomas and Carole Thomas, his wife, Lessees. Also testifying was Paul Lee, the professional engineer who prepared the site plan. The Petitioner was represented by Jeffrey P. Hanes, Esquire. There were no Protestants present.

Mr. Lee testified and presented the site plan. The plan shows that the subject property is located at the intersection of Stemmers Run Road and Marlyn Avenue in Essex. The subject site is approximately .372 acres in net area and is zoned B.L.-C.N.S. Mr. Lee testified that this property is the site of an old abandoned service garage. The zoning history of the

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DATE

BY

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property shows that a reclassification to permit a service garage was granted in 1954. Thereafter, an Atlantic Service Station commenced business operations on the site. Later, the Atlantic Station was converted to a Shell Station. In 1983, zoning approval was granted so as to convert the service station use to a gas-n-go and mini food store. Although approval was granted, the conversion was never made. Additional zoning filings were made in 1990.

Mr. Lee also described the surrounding locale. Immediately adjacent to the subject site is the Stemmers Run Medical Center, which serves as the medical office for Dr. Leopoldo Gruss. As the site plan shows, the Stemmers Run Medical Center lot is an extremely small property with limited parking. After the subject property fell into a state of disrepair and became unoccupied, Dr. Gruss bought the subject lot, in part, to acquire an additional parking area. As shown on the site plan, seven parking spaces have been striped and lined on the northwest part of the subject site immediately adjacent to the medical center. Dr. Gruss' employees and patients utilize these spaces.

Mr. Lee also described the present and immediate past use of the property. The gas station operation shut down some years ago and the property fell into a state of disrepair. Testimony was offered that youth and others from the nearby Kenwood High School would frequently gather and loiter on the lot. The windows in the building were broken and the site became an eyesore. This is of particular concern in that the property is adjacent to a community of residential row homes immediately across Stemmers Run Road. In the recent past, however, Dr. Gruss has sublet the property to Mr. and Mrs. Thomas. The property has been rehabilitated somewhat and the building improved. In fact, I conducted a site visit and was impressed with the

efforts that Mr. Thomas has made to rehabilitate the property and building.

Also testifying at the public hearing was the aforementioned Leopoldo Gruss, M.D. He corroborated Mr. Lee's testimony as to his ownership of the medical building next door and his acquisition of the subject site in February of 1994. He confirmed that the last gas station use on the property ceased approximately 2-1/2 years ago and that the site became run down after that owner left. He stated that he acquired the site primarily to obtain additional parking. He did indicate, however, that many of the patients at his medical center were elderly and did not drive. He indicated that parking is rarely a problem at this locale. This was confirmed, at the least, at the time of my site visit. I visited the site on a weekday during regular business hours and observed no vehicles parked at the medical center. Dr. Gruss also described the improvements to the building including the painting, replacement of windows, installation of plumbing, electric, etc.

Testimony was also received from Raymond Thomas, the proprietor of the Stars and Cracks Auto Glass Company which operates on the site. Mr. Thomas indicated that he has leased the property from Dr. Gruss since 1994. He described his business as small which has hours of operation from 7:00 A.M. to 9:00 P.M. There are three bays in the building in which windshield repairs are made. He indicated that he has approximately 10 to 12 customers per day. The nature of his business is to replace windshields, repair stone chips and similar work. This is a small operation run by Mr. Thomas and his wife, and one other employee. He apparently relocated the business to this site from nearby.

I was impressed with Mr. Thomas and his testimony. It is clear that he has made significant efforts to rehabilitate the site. However, he

indicated that his business was financially struggling and that he could not afford to expend significant sums to further rehabilitate the property. Dr. Gruss, for his part, wishes to use the lot only for parking and obviously has no intention of converting the site for use by the medical center.

In considering the Petition for Special Exception, same must be evaluated pursuant to the standard set forth in Section 502 of the BCZR. Therein, it is provided that the use should be approved only if same will not be detrimental to the health, safety and general welfare of the locale. Moreover, as is well settled at law, a special exception use must be considered presumptively valid. See Schultz v. Pritts, 291, Md. 1, 432 A2d 1319 (1981).

Particularly with the history of this site, it is clear that the special exception should be granted. The proposed use is far less obnoxious than the previously approved use of a service garage. Mr. Thomas indicated that no mechanical repairs are performed on the property. The activity conducted by the windshield repair business is primarily done within the service bays. The business causes no adverse effect to the health, safety or general welfare of the locality. Moreover, it does not tend to create congestion in roads, streets, or alleys therein, nor is inconsistent with the purposes of the property's zoning classification. The proposed use is not inconsistent with the spirit and intent of the BCZR.

The Petition for Zoning Variance should also be granted. Relief is requested to allow parking up to the property line in view of the required 10 ft. setback. The unique shape of the lot and the relatively small area of same are unique features which present practical difficulty for the property owner. I am satisfied that the Petitioner has complied with Sec-

ORDER RECOMMENDED FOR FILING
DATE 3/25/85
BY M. H. HARRIS

tion 307 of the BCZR and tests therein as to the requirements for variance relief.

Notwithstanding my approval of the Petitions, the Zoning Plans Advisory Committee (ZAC) comments offered in this case must be considered. Comments have been received from the Developers Engineering Section and the Office of Planning and Zoning. Both agencies suggest a number of improvements to the property if the special exception and variance relief is granted. These include closing the curb cut to the site on Stemmers Run Road closest to Marlyn Avenue and installing additional landscaping. As observed by the Office of Planning, this is an old site within a residential area which is in need of further rehabilitation.

Although additional rehab efforts may be both desirable and preferable, attaching restrictions to require same must be done only with great care and after great deliberation. The Zoning Commissioner is, indeed, empowered to attach reasonable restrictions to the grant of special exception or variance relief. However, the restrictions imposed must bear some reasonable nexus to the relief granted. I must also be cognizant of the realities of imposing such restrictions. As the Office of Planning and Zoning noted in their comment, "Unfortunately, most new tenants, due to start up costs, can ill afford to cover the expense of site improvements." This is, indeed, the situation here as corroborated by Mr. Thomas. He is paying minimal rent, if any, while his small business struggles to survive. If significant costs were imposed on him to improve the site, the business may not survive. In such an event, the site would deteriorate and return to its past appearance. This should be avoided.

After considering these factors, I am persuaded that the Petitions should be approved without the restrictions suggested. I concur that the conditions proposed by Developers Engineering and the Office of Planning

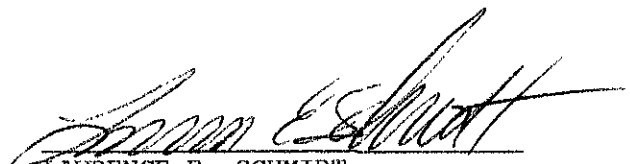
and Zoning would improve the site. However, Mr. Thomas has made many improvements on the site, without having been required by Baltimore County to do so. I hope that he will continue his efforts to improve the property. Thus, the Petitions shall be approved without restrictions.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th day of March, 1995 that, pursuant to the Petition for Special Exception, approval to use a former service garage, in a B.L.-C.N.S. zone, for an auto glass repair and installation, and to cease use as a service garage, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the BCZR to permit a 0 ft. setback for parking spaces to a road right-of-way line, in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 20, 1995

Jeffrey P. Hanes, Esquire
Suite 207
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 95-239-XA
Property: 401 Stemmers Run Road
Dr. Leopoldo Gruss, Stem-Med Corporation, Petitioner
Mr. and Mrs. Raymond Thomas, Tenant

Dear Mr. Hanes:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name and title.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Dr. Leopoldo Gruss, President
Stem-Med Corporation
cc: Mr. and Mrs. Raymond Thomas
cc: Paul Lee Engineering





Petition for Special Exception

95-239-XA

to the Zoning Commissioner of Baltimore County

for the property located at 401 Stemmers Run Road, Essex, MD 21221

which is presently zoned BL/CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A service garage for auto glass repair and installation, and to cease use as a service station.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee.

Legal Owner(s):

(Type or Print Name)

Signature

Address

City State Zipcode

(Type or Print Name) Stem-Med Corporation
(A Maryland Close Corporation)
BY: [Signature]
Signature
Leopoldo Gruss, President
(Type or Print Name)

Signature

Attorney for Petitioner:

Address Phone No

Jeffrey P. Hanes, Esq.
(Type or Print Name)

City State Zipcode
Name, Address and phone number of representative to be contacted.

[Signature]
Suite 207
22 W. Pennsylvania Ave. (410) 828-9244
Address Phone No.
Towson, MD 21204
City State Zipcode

Jeffrey P. Hanes, Esq.
Name
Suite 207, 22 W. Pennsylvania Ave.
Towson, MD 21204 (410) 828-9244
Address Phone No

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 hr
unavailable for Hearing

the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: [Signature] DATE 1/5/95



#2357



Petition for Variance

95-239-XA

to the Zoning Commissioner of Baltimore County

for the property located at 401 Stemmers Run Road, Essex, Maryland 21221
which is presently zoned BL/CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

409.8.A4 of the BCZR to permit a 0' setback for parking spaces to a
road right of way line in lieu of the required 10' (A variance of 10').

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Practical difficulty and hardship - Adherence to ten foot setback requirement would adversely limit movement of vehicles on the subject property, would limit options for parking, and cause congestion on the subject property, all without any corresponding public benefit.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Jeffrey P. Hanes, Esq.

(Type or Print Name)

Signature

Suite 207, 22 W. Pennsylvania Ave.
410-828-9244

Address

Phone No.

Towson
City

MD
State

21204
Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

(Type or Print Name)

Stem-Med Corporation
(A Maryland Close Corporation)

BY:

Signature

Leopoldo Gruss, President

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Jeffrey P. Hanes, Esq.

Name

Suite 207, 22 W. Pennsylvania Ave.
Towson, MD 21204 (410) 828-9244

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

1/5/95



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Paul Lee, P.E.

#235

95-239-XA

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5944

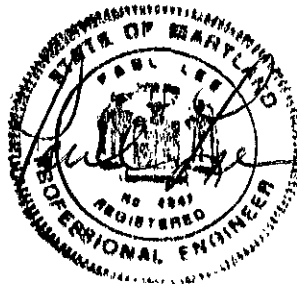
DESCRIPTION

#401 STEMMERS RUN ROAD

ELECTION DISTRICT 15C5 BALTIMORE COUNTY, MARYLAND

Beginning for the same at the intersection of the west side of Marlyn Avenue with the south side of Stemmers Run Road, said point also being located 30 feet from the center of Marlyn Avenue; thence binding on the south side of Stemmers Run Road by a curve to the left (1) $R = 15.00'$ for a length of 5.29 feet, thence (2) $N 43^{\circ}45'00'' W - 139.73$ feet, thence leaving said south side of Stemmers Run Road (3) $S 47^{\circ}24'00'' W - 110.22$ feet and (4) $S 42^{\circ}36'00'' E 145.39$ feet to the west side of Marlyn Avenue; thence binding on the west side of Marlyn Avenue (5) $N 47^{\circ}09'00'' E - 112.21$ feet to the point of beginning.

Containing 16,207.5 s.f. (0.372 Acres) of land more or less.



11/18/94

Engineers — Surveyors — Site Planners

J.O. 94-039

11/18/94

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-239-X17

District 15th

Date of Posting 1/22/95

Posted for: Special Exception & Variance

Petitioner: Stem-Mod. Corp.

Location of property: 401 Stemmers Run Rd., S/S

Location of Signs: Facing roadway, on property being zoned.

Remarks: _____

Posted by M. H. Kelly

Signature

Date of return: 1/25/95

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-239-XA
(Item 235)

401 Stemmers Run Road
corner of S/S Stemmers
Run Road, W/S Marilyn Av-
enue

15th Election District

5th Councilmanic

Legal Owner(s):

Stem-Med Corporation

Hearing: Thursday,

February 9, 1995 at
11:00 a.m. in Rm. 118, Old
Courthouse.

Special Exception for a
service garage for auto glass
repair and installation and to
cease use as a service station.
Variance to permit a zero foot
setback for parking spaces to
be a road right-of-way line in
lieu of the required 10 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1)Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2)For information concern-
ing the File and/or Hearing, Please
Call 887-3391

1/177 January 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Jan. 20, 19 *95*

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on *Jan. 19*, 19 *95*

THE JEFFERSONIAN,

A. Henriksen
LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
110 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-239-XA

Account: R-001-6150

Number

Date 1/5/95

Item Number: R 35

Taken In By: JADK

Stem-Med Corporation — 401 Stemmers Run Rd.

020 — Comm. Vac. in nec. — \$250.00

050 — Special Exception — \$300.00

080 — 2 signs at \$35.00 each — \$70.00

Total — \$620.00

MICROFILM

01A01W0247MICRO

Please Make Checks Payable To: Baltimore County

01A01W0247MICRO

01A01W0247MICRO

01A01W0247MICRO

01A01W0247MICRO

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 235

Petitioner: Stem-med Corporation

Location: 401 Stemmers Run Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Jeffrey P. Hanes, Esq.

ADDRESS: 22 W. Pennsylvania Ave, Suite 207
Towson, MD 21204

PHONE NUMBER: (410)-828-9244

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
January 19, 1995 Issue - Jeffersonian

Please forward billing to:

Jeffrey P. Hanes, Esq.
22 W. Pennsylvania Avenue, Suite 207
Towson, Maryland 21204
828-9244

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

OR

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-239-XA (Item 235)
401 Stemmers Run Road
corner of S/S Stemmers Run Road, W/S Marlyn Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Stem-Med Corporation
15th Election District - 5th Councilmanic
HEARING: THURSDAY, FEBRUARY 9, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a service garage for auto glass repair and installation and to cease use as a service station.

Variance to permit a zero foot setback for parking spaces to be a road right-of-way line in lieu of the required 10 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-239-XA (Item 235)

401 Stemmers Run Road

corner of S/S Stemmers Run Road, W/S Marlyn Avenue

15th Election District - 5th Councilmanic

Legal Owner(s): Stem-Med Corporation

15th Election District - 5th Councilmanic

HEARING: THURSDAY, FEBRUARY 9, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a service garage for auto glass repair and installation and to cease use as a service station.

Variance to permit a zero foot setback for parking spaces to be a road right-of-way line in lieu of the required 10 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Jeffrey P. Hanes, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 1, 1995

Jeffrey P. Hanes, Esquire
22 W. Pennsylvania Ave., Suite 207
Towson, Maryland 21204

RE: Item No.: 235
Case No.: 95-239-XA
Petitioner: Stem-Med Corp.

Dear Mr. Hanes:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 5, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECORDED



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 23, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 23, 1995
Item No. (235)

The Developers Engineering Section has reviewed the subject zoning item. The final landscape plan must be approved prior to release of the permits.

The existing access of Stemmers Run Road closest to Marlyn Avenue should be eliminated.

The closed access points should be permanently removed.

The existing "angled" parking spaces should be changed to "perpendicular" spaces.

RWB:sw

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 26, 1995

SUBJECT: 401 Stemmers Run Road

INFORMATION:

Item Number: 235
Petitioner: Stem Med Corporation
Property Size: .37 acres
Zoning: BL-CNS
Requested Action: Special Exception & Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Exception to approve the use of the property as an auto glass repair and installation facility; and a Variance for a 0' setback for parking spaces to road right of way line in lieu of the required 10'.

Based upon a site inspection, staff concludes that the subject property is not unlike many small commercial sites located throughout the county. These properties, for the most part, were developed over twenty-five years ago and very few of these sites have seen any amount of reinvestment in terms of site improvements. Since most of these sites are essentially investment property, improvements are usually deferred until there is a change of use; and then the cost of site improvements is generally passed on to the tenants. Unfortunately, most new tenants, due to start-up costs, can ill afford to cover the expense of site improvements. Some of the consequences of this continuing cycle are unattractive corridors suffering from image problems, and ongoing impacts on the adjacent residential communities.

Although the applicant's site is free of trash and debris, the building housing the existing auto glass repair and installation facility is in need of repair. While the property is located within 100 feet of the townhome community of Middlesex, no buffer or landscaping exists.

Since the subject site is located within a small commercial node and is surrounded by residential uses, the filing of this Petition can be viewed as a real opportunity for change. Therefore, should the applicant's request be granted, staff recommends that the Special Exception be extensively conditioned to insure that

major site improvements are made. To that end, this office recommends that the applicant 1) provide plans for renovation of the existing building; 2) submit a landscape plan for review and approval; 3) eliminate the access point at Marlyn Avenue; and 4) remove all temporary signs.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kern

PK/JL



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-13-95

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JOYCE WATSON
Dear Ms. Winiarski:

Re: Baltimore County
Item No.: 7235 (MJK)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 1/27/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 1/17/95

The Department of Environmental Protection & Resource Management has no
comments for the following Zoning Advisory Committee Items:

Item #'s: 226
227
228
229
231
232
233
235 ✓

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
401 Stemmers Run Road, corner of S/S	*	ZONING COMMISSIONER
Stemmers Run Road, W/S Marlyn Avenue	*	
15th Election Dist., 5th Councilmanic	*	OF BALTIMORE COUNTY
Stem-Med Corporation	*	CASE NO. 95-239-XA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Jeffrey P. Hanes, Esquire, 22 W. Pennsylvania Avenue, Suite 207, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

B A L T I M O R E C O U N T Y , M A R Y L A N D

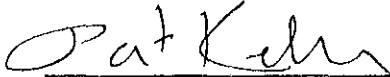
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt DATE: April 10, 1995
 Zoning Commissioner

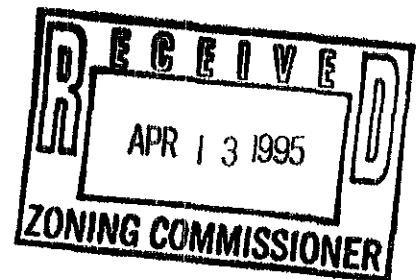
FROM: Pat Keller, Director
 Office of Planning & Zoning

SUBJECT: Request for reconsideration (Case No. 95-239XA -
 Stem-Med Corp.)

On March 24th, 1995 you handed down your order on the above referenced case. Upon review of the Findings of Fact and Conclusions of Law, this office would like to request a stay of your order and further request that you schedule another hearing for reconsideration of this matter. In an attempt to resolve outstanding issues, we will contact the attorney representing the petitioner.


Pat Keller

JD
ZCMEMO/PZONE/TXTJJD



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Raymond Thomas

Carole Thomas

Leopoldo GRUSS

Paul LEE

614 Rockaway Beach Ave

614 Rockaway Beach Ave.

5902 Eastern Parkway, Balford 71206

304 W. PENNSYLVANIA AVE 21204

PENNSYLVANIA

(4 TRACKS ELECTRIC)

95-239-XA

D.R.10.5

ROAD

MIDDLESEX

DUNWICH

WAY

MARLYN AVE

D.R.10.5

STEMMERS

TORNER

RUN

ROAD

SUBJECT SITE

BL-CNS

BL

NORRIS

ROAD

CAPITOL COURT

D.R.5.5

AVENUE

D.R.10.5

ROAD

BL

CHALCOTE SQUARE

WELBROOK

MICROFILMED

FREEWAY

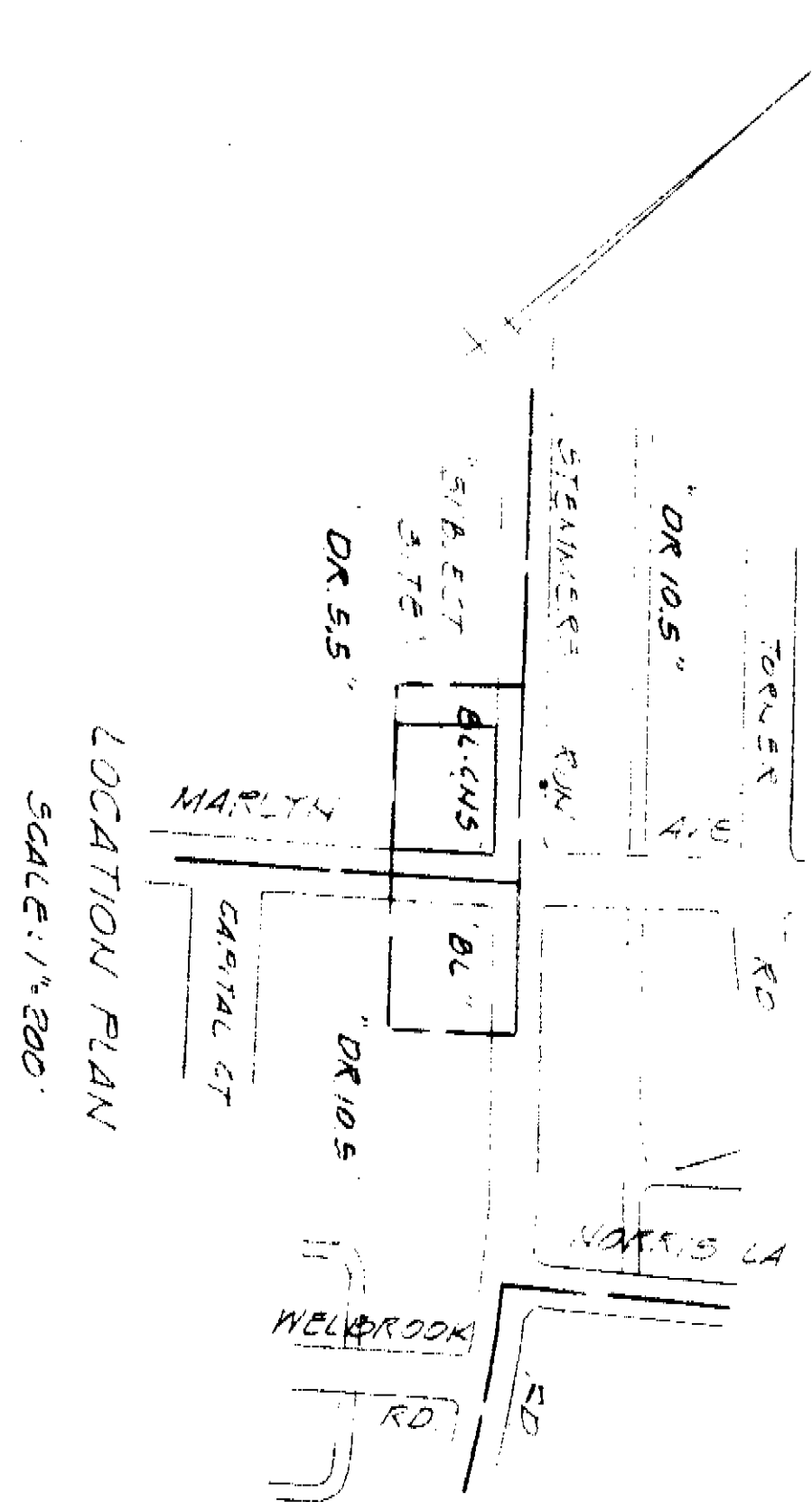
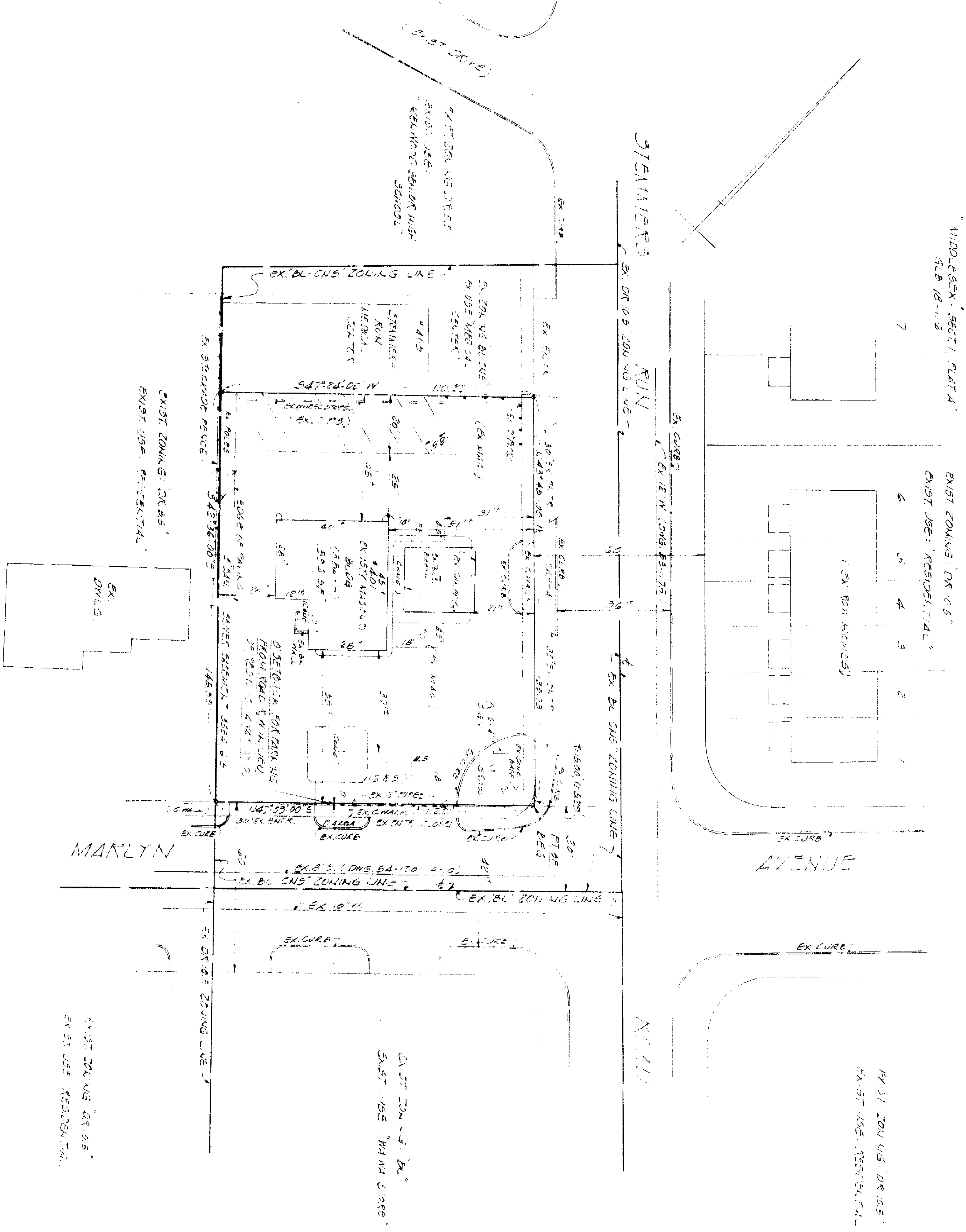
#235

SCALE: 1"=200'

NE 3-H

AVENUE





SEVERAL NOTES:

1. AREA OF PROPERTY
2. EXIST. ZONING OF PROPERTY
3. EXIST. USE OF PROPERTY
4. PROPOSED ZONING OF PROPERTY
5. PROPOSED USE OF PROPERTY
6. PROPOSED OFF-STREET PARKING
7. EX. EXIST. BUILT-UP = 1,500 S.F. (23,000 S.F. - 1,500 S.F. = 1,500 S.F.)
8. EX. EXIST. BUILT-UP = 1,500 S.F. (23,000 S.F. - 1,500 S.F. = 1,500 S.F.)
9. PROPOSED ZONING OF PROPERTY
10. PROPOSED USE OF PROPERTY
11. PROPOSED OFF-STREET PARKING
12. PROPOSED BUILT-UP = 1,500 S.F. (23,000 S.F. - 1,500 S.F. = 1,500 S.F.)
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17. PROPOSED BUILT-UP = 1,500 S.F. (23,000 S.F. - 1,500 S.F. = 1,500 S.F.)
18. PROPOSED BUILT-UP = 1,500 S.F. (23,000 S.F. - 1,500 S.F. = 1,500 S.F.)
19. PROPOSED BUILT-UP = 1,500 S.F. (23,000 S.F. - 1,500 S.F. = 1,500 S.F.)
20. PROPOSED BUILT-UP = 1,500 S.F. (23,000 S.F. - 1,500 S.F. = 1,500 S.F.)

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

VARIANCE

401 STEMMERS RUN ROAD
ELECT DIST. 1505
SCALE: 1" = 80'

95-239-XA

MICROFILMED

235

PETITIONER'S EXHIBIT No. 1

PAUL LEE ENGINEERING, INC.
304 PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204



IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
Cor. S/S Stemmers Run Rd., W/S *
401 Stemmers Run Road * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Case No. 95-239-XA
Stem-Med Corporation
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 401 Stemmers Run Road in the Essex section of Baltimore County. Special Exception approval is requested for a service garage for an auto glass repair and installation business, and to cease a previously approved use for a service station. The Petition for Variance seeks relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (BCZR) to permit a 0 ft. setback for parking spaces to a road right-of-way line, in lieu of the required 10 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case was Leopoldo Gruss, M.D., a principal of Stem-Med Corporation, property owner. Also present was Raymond Thomas and Carole Thomas, his wife, Lessees. Also testifying was Paul Lee, the professional engineer who prepared the site plan. The Petitioner was represented by Jeffrey P. Hanes, Esquire. There were no Protestants present.

Mr. Lee testified and presented the site plan. The plan shows that the subject property is located at the intersection of Stemmers Run Road and Marlyn Avenue in Essex. The subject site is approximately .372 acres in net area and is zoned B.L.-C.N.S. Mr. Lee testified that this property is the site of an old abandoned service garage. The zoning history of the

property shows that a reclassification to permit a service garage was granted in 1954. Thereafter, an Atlantic Service Station commenced business operations on the site. Later, the Atlantic Station was converted to a Shell Station. In 1983, zoning approval was granted so as to convert the service station use to a gas-n-go and mini food store. Although approval was granted, the conversion was never made. Additional zoning filings were made in 1990.

Mr. Lee also described the surrounding locale. Immediately adjacent to the subject site is the Stemmers Run Medical Center, which serves as the medical office for Dr. Leopoldo Gruss. As the site plan shows, the Stemmers Run Medical Center lot is an extremely small property with limited parking. After the subject property fell into a state of disrepair and became unoccupied, Dr. Gruss bought the subject lot, in part, to acquire an additional parking area. As shown on the site plan, seven parking spaces have been striped and lined on the northwest part of the subject site immediately adjacent to the medical center. Dr. Gruss' employees and patients utilize these spaces.

Mr. Lee also described the present and immediate past use of the property. The gas station operation shut down some years ago and the property fell into a state of disrepair. Testimony was offered that youth and others from the nearby Kenwood High School would frequently gather and loiter on the lot. The windows in the building were broken and the site became an eyesore. This is of particular concern in that the property is adjacent to a community of residential row homes immediately across Stemmers Run Road. In the recent past, however, Dr. Gruss has sublet the property to Mr. and Mrs. Thomas. The property has been rehabilitated somewhat and the building improved. In fact, I conducted a site visit and was impressed with the

- 2 -

efforts that Mr. Thomas has made to rehabilitate the property and building.

Also testifying at the public hearing was the aforementioned Leopoldo Gruss, M.D. He corroborated Mr. Lee's testimony as to his ownership of the medical building next door and his acquisition of the subject site in February of 1994. He confirmed that the last gas station use on the property ceased approximately 2-1/2 years ago and that the site became run down after that owner left. He stated that he acquired the site primarily to obtain additional parking. He did indicate, however, that many of the patients at his medical center were elderly and did not drive. He indicated that parking is rarely a problem at this locale. This was confirmed, at the least, at the time of my site visit. I visited the site on a weekday during regular business hours and observed no vehicles parked at the medical center. Dr. Gruss also described the improvements to the building including the painting, replacement of windows, installation of plumbing, electric, etc.

Testimony was also received from Raymond Thomas, the proprietor of the Stars and Cracks Auto Glass Company which operates on the site. Mr. Thomas indicated that he has leased the property from Dr. Gruss since 1994. He described his business as small which has hours of operation from 7:00 A.M. to 9:00 P.M. There are three bays in the building in which windshield repairs are made. He indicated that he has approximately 10 to 12 customers per day. The nature of his business is to replace windshields, repair stone chips and similar work. This is a small operation run by Mr. Thomas and his wife, and one other employee. He apparently relocated the business to this site from nearby.

I was impressed with Mr. Thomas and his testimony. It is clear that he has made significant efforts to rehabilitate the site. However, he

- 3 -

indicated that his business was financially struggling and that he could not afford to expend significant sums to further rehabilitate the property. Dr. Gruss, for his part, wishes to use the lot only for parking and obviously has no intention of converting the site for use by the medical center.

In considering the Petition for Special Exception, same must be evaluated pursuant to the standard set forth in Section 502 of the BCZR. Therein, it is provided that the use should be approved only if same will not be detrimental to the health, safety and general welfare of the locale. Moreover, as is well settled at law, a special exception use must be considered presumptively valid. See Schultz v. Pritts, 291, Md. 1, 432 A2d 1319 (1981).

Particularly with the history of this site, it is clear that the special exception should be granted. The proposed use is far less obnoxious than the previously approved use of a service garage. Mr. Thomas indicated that no mechanical repairs are performed on the property. The activity conducted by the windshield repair business is primarily done within the service bays. The business causes no adverse effect to the health, safety or general welfare of the locality. Moreover, it does not tend to create congestion in roads, streets, or alleys therein, nor is inconsistent with the purposes of the property's zoning classification. The proposed use is not inconsistent with the spirit and intent of the BCZR.

The Petition for Zoning Variance should also be granted. Relief is requested to allow parking up to the property line in view of the required 10 ft. setback. The unique shape of the lot and the relatively small area of same are unique features which present practical difficulty for the property owner. I am satisfied that the Petitioner has complied with Sec-

- 4 -

tion 307 of the BCZR and tests therein as to the requirements for variance relief.

Notwithstanding my approval of the Petitions, the Zoning Plans Advisory Committee (ZAC) comments offered in this case must be considered. Comments have been received from the Developers Engineering Section and the Office of Planning and Zoning. Both agencies suggest a number of improvements to the property if the special exception and variance relief is granted. These include closing the curb cut to the site on Stemmers Run Road closest to Marlyn Avenue and installing additional landscaping. As observed by the Office of Planning, this is an old site within a residential area which is in need of further rehabilitation.

Although additional rehab efforts may be both desirable and preferable, attaching restrictions to require same must be done only with great care and after great deliberation. The Zoning Commissioner is, indeed, empowered to attach reasonable restrictions to the grant of special exception or variance relief. However, the restrictions imposed must bear some reasonable nexus to the relief granted. I must also be cognizant of the realities of imposing such restrictions. As the Office of Planning and Zoning noted in their comment, "Unfortunately, most new tenants, due to start up costs, can ill afford to cover the expense of site improvements." This is, indeed, the situation here as corroborated by Mr. Thomas. He is paying minimal rent, if any, while his small business struggles to survive. If significant costs were imposed on him to improve the site, the business may not survive. In such an event, the site would deteriorate and return to its past appearance. This should be avoided.

After considering these factors, I am persuaded that the Petitions should be approved without the restrictions suggested. I concur that the conditions proposed by Developers Engineering and the Office of Planning

- 5 -

and Zoning would improve the site. However, Mr. Thomas has made many improvements on the site, without having been required by Baltimore County to do so. I hope that he will continue his efforts to improve the property. Thus, the Petitions shall be approved without restrictions.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th day of March, 1995 that, pursuant to the Petition for Special Exception, approval to use a former service garage, in a B.L.-C.N.S. zone, for an auto glass repair and installation, and to cease use as a service garage, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the BCZR to permit a 0 ft. setback for parking spaces to a road right-of-way line, in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LBS:mmm

LAWRENCE E. SCHWIDT
Zoning Commissioner for
Baltimore County

- 6 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 20, 1995

Jeffrey P. Hanes, Esquire
Suite 207
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 95-239-XA
Property: 401 Stemmers Run Road
Dr. Leopoldo Gruss, Stem-Med Corporation, Petitioner
Mr. and Mrs. Raymond Thomas, Tenant

Dear Mr. Hanes:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,
LAWRENCE E. SCHWIDT
Zoning Commissioner

LES:mmm
att.
cc: Dr. Leopoldo Gruss, President
Stem-Med Corporation
cc: Mr. and Mrs. Raymond Thomas
cc: Paul Lee Engineering



Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 401 Stemmers Run Road, Essex, MD 21221
which is presently zoned BL/CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

A service garage for auto glass repair and installation, and to cease use as a service station.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor	Who do I ultimately declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition?				
Type or Print Name	Legal Owner(s)				
Signature	BY: <u>Leopoldo Gruss</u> (Stem-Med Corporation)				
Address	Leopoldo Gruss, President				
City	State	Zip			
Attorney for Petitioner	Signature				
Jeffrey P. Hanes, Esq.	Address	Phone No.			
Suite 207	City	State	Zip		
22 W. Pennsylvania Ave.	Address	Phone No.	City	State	Zip
Towson, MD	21204	410	828-9244	410	828-9244
Office Use Only	ESTIMATED LENGTH OF HEARING	Responsible for Hearing	Next Two Months		
1 hr.	REVIEWED BY: <u>LES</u>	DATE: <u>3/5/95</u>			



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 401 Stemmers Run Road, Essex, Maryland 21221 which is presently zoned BL/CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

409.8.4A of the BCZR to permit a 0' setback for parking spaces to a road right of way line in lieu of the required 10' (A variance of 10'). of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty and hardship - Adherence to ten foot setback requirement would adversely limit movement of vehicles on the subject property, would limit options for parking, and cause congestion on the subject property, all without any corresponding public benefit.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Jeffrey P. Hanes, Esq.

(Type or Print Name)

Suite 207, 22 W. Pennsylvania Ave.

410-828-9244

Address

Towson MD 21204

City State Zipcode

Printed with Soybean Ink on Recycled Paper

ESTIMATED LENGTH OF HEARING: 1 hr
Available for Hearing: Next Two Months
ALL OTHER DATE: 1/15/95
REVIEWED BY: [Signature] DATE: 1/15/95

Paul Lee P.L.C.

Paul Lee Engineering Inc.
308 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5341

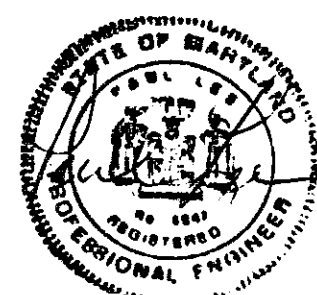
DESCRIPTION

401 STEMMERS RUN ROAD

ELECTION DISTRICT 15C5 BALTIMORE COUNTY, MARYLAND

Beginning for the same at the intersection of the west side of Marlyn Avenue with the south side of Stemmers Run Road, said point also being located 30 feet from the center of Marlyn Avenue; thence binding on the south side of Stemmers Run Road by a curve to the left (1) R = 15.00' for a length of 5.29 feet, thence (2) N 43°45'00" W - 139.73 feet, thence leaving said south side of Stemmers Run Road (3) S 47°24'00" W - 110.22 feet and (4) S 42°36'00" E 145.39 feet to the west side of Marlyn Avenue; thence binding on the west side of Marlyn Avenue (5) N 47°09'00" E - 112.21 feet to the point of beginning.

Containing 16,207.5 s.f. (0.372 Acres) of land more or less.



Engineers - Surveyors - Site Planners

J.O. 94-039
11/18/94

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 1/22/95

Posted for: Special Exception & Variance

Petitioner: Stem-Med Corp.

Location of property: 401 Stemmers Run Rd., 5/6

Location of Sign: 111 W. Chesapeake Ave., 2nd Floor, 2nd Floor

Remarks:

Posted by: [Signature] Date of return: 1/25/95

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan 20, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 19, 1995

THE JEFFERSONIAN,
A. H. HENRICKSON
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:00 a.m. on Thursday, February 9, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Case 95-239-XA (Item 235)
401 Stemmers Run Road, corner of S/S Stemmers Run Road, W/S Marlyn Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Stem-Med Corporation
Hearing: Thursday, February 9, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a service garage for auto glass repair and installation and to cease use as a service station.
Variance to permit a zero foot setback for parking spaces to be a road right-of-way line in lieu of the required 10 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are held in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204. (2) For information concerning the filing and/or hearing, please call 887-3353. (3) For information concerning the filing and/or hearing, please call 887-3353. (4) For information concerning the filing and/or hearing, please call 887-3353.

TO: PUBLISHER PUBLISHING COMPANY
January 19, 1995 Issue - Jeffersonian

Please forward billing to:

Jeffrey P. Hanes, Esq.
22 W. Pennsylvania Avenue, Suite 207
Towson, Maryland 21204
828-9244

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:00 a.m. on Thursday, February 9, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

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LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) HEARINGS ARE UNDERTAKEN ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:00 a.m. on Thursday, February 9, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

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Variance to permit a zero foot setback for parking spaces to be a road right-of-way line in lieu of the required 10 feet.

Arnold Jablon
Director

cc: Jeffrey P. Hanes, Esq.

NOTES: (1) HEARINGS ARE UNDERTAKEN ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 1, 1995

Jeffrey P. Hanes, Esquire
22 W. Pennsylvania Ave., Suite 207
Towson, Maryland 21204

RE: Item No.: 235
Case No.: 95-239-XA
Petitioner: Stem-Med Corp.

Dear Mr. Hanes:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 5, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

MCR/jw
Attachment(s)



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 235

Petitioner: Stem-Med Corporation

Location: 401 Stemmers Run Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Jeffrey P. Hanes, Esq.

ADDRESS: 22 W. Pennsylvania Ave, Suite 207

Towson, MD 21204

PHONE NUMBER: (410)-828-9244

AJ:ggs

(Revised 04/09/93)



Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 23, 1995
Item No. 235

The Developers Engineering Section has reviewed the subject zoning item. The final landscape plan must be approved prior to release of the permits.

The existing access of Stemmers Run Road closest to Marlyn Avenue should be eliminated.

The closed access points should be permanently removed.

The existing "angled" parking spaces should be changed to "perpendicular" spaces.

RWB:cw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 26, 1995

SUBJECT: 401 Stemmers Run Road

INFORMATION:

Item Number: 235

Petitioner: Stem Med Corporation

Property Size: .37 acres

Zoning: BL-CNS

Requested Action: Special Exception & Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Exception to approve the use of the property as an auto glass repair and installation facility; and a Variance for a 0' setback for parking spaces to road right of way line in lieu of the required 10'.

Based upon a site inspection, staff concludes that the subject property is not unlike many small commercial sites located throughout the county. These properties, for the most part, were developed over twenty-five years ago and very few of these sites have seen any amount of reinvestment in terms of site improvements. Since most of these sites are essentially investment property, improvements are usually deferred until there is a change of use; and then the cost of site improvements is generally passed on to the tenants. Unfortunately, most new tenants, due to start-up costs, can ill afford to cover the expense of site improvements. Some of the consequences of this continuing cycle are unattractive corridors suffering from image problems, and ongoing impacts on the adjacent residential communities.

Although the applicant's site is free of trash and debris, the building housing the existing auto glass repair and installation facility is in need of repair. While the property is located within 100 feet of the townhome community of Middlesex, no buffer or landscaping exists.

Since the subject site is located within a small commercial node and is surrounded by residential uses, the filing of this Petition can be viewed as a real opportunity for change. Therefore, should the applicant's request be granted, staff recommends that the Special Exception be extensively conditioned to insure that

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major site improvements are made. To that end, this office recommends that the applicant 1) provide plans for renovation of the existing building; 2) submit a landscape plan for review and approval; 3) eliminate the access point at Marlyn Avenue; and 4) remove all temporary signs.

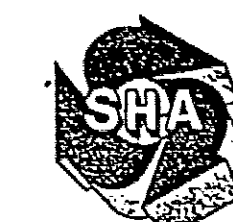
Prepared by: Jeffrey W. Long

Division Chief: *Edmund L. Kern*

PK/JL

ITEM235/PZONE/TXTJWL

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-13-95

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JUNE WATSON

Re: Baltimore County
Item No. 435 (MJK)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech

1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 1/17/95

DATE: 1/27/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 226
227
228
229
231
232
233
235 ✓

LS:sp

LETTY2/DEPRM/TXTSBP

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
401 Stemmers Run Road, corner of S/S
Stemmers Run Road, W/S Marlyn Avenue
15th Election Dist., 5th Councilmanic

Stem-Med Corporation
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-239-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CHARLES S. DEMILIO
Deputy People's Counsel

Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Jeffrey P. Hanes, Esquire, 22 W. Pennsylvania Avenue, Suite 207, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

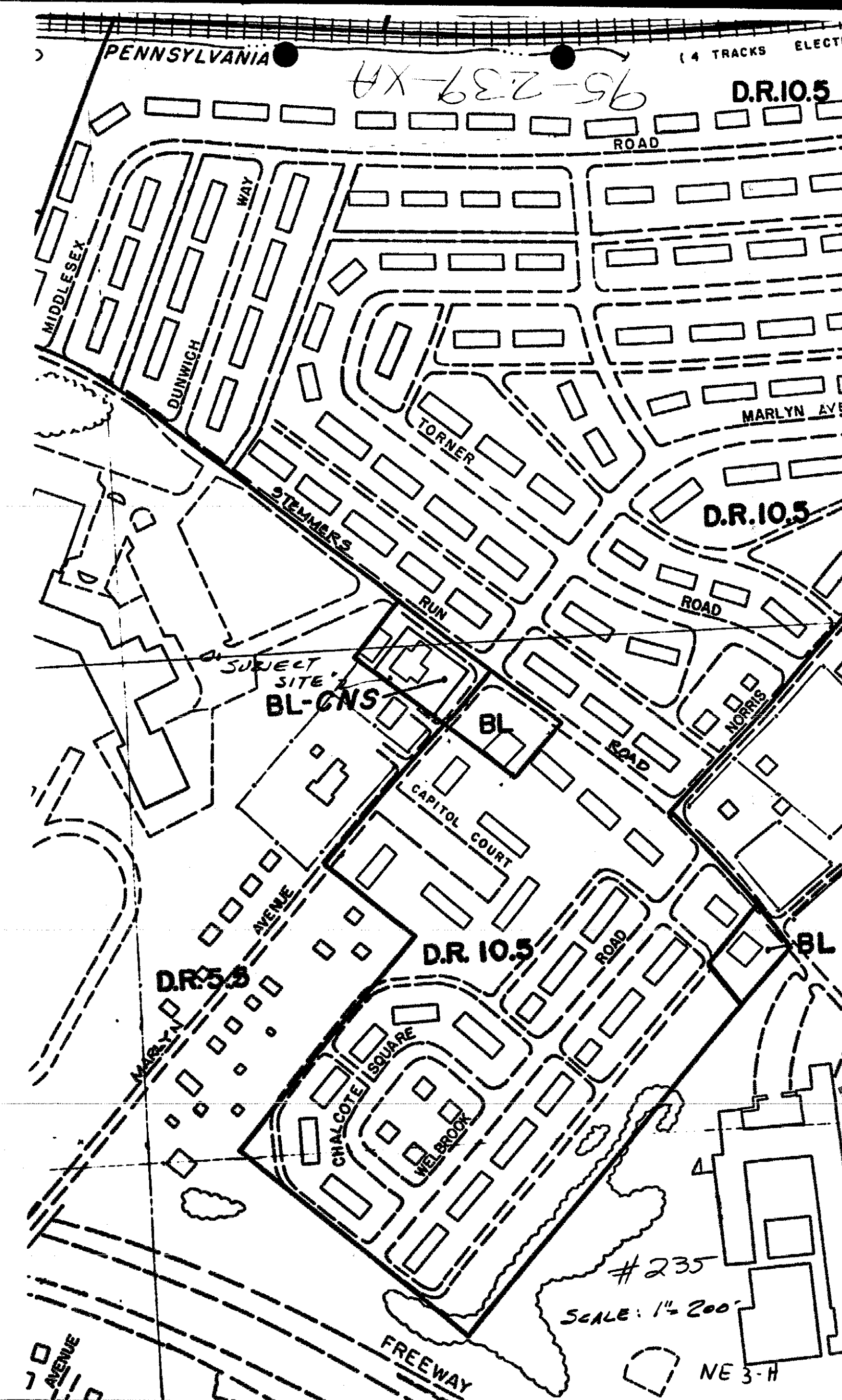
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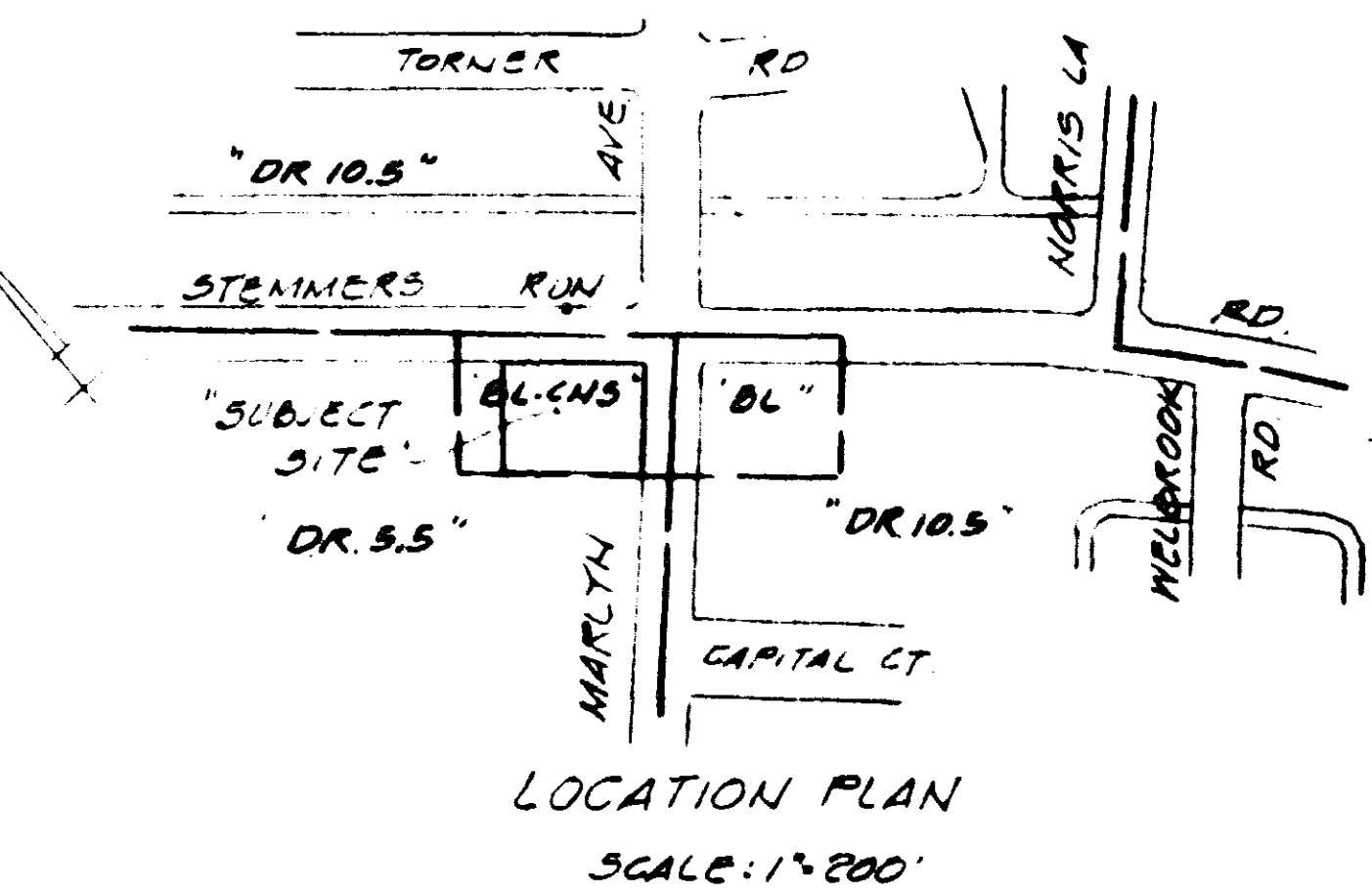
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Raymond Thomas	614 Rockaway Beach Ave
Carole Thomas	614 Rockaway Beach Ave.
Leopoldo Griss	3902 Golden Gate Rd. #11206
Paul Lee	304 W. PENNSYLVANIA AVE 2102





1. AREA OF PROPERTY - 16,207.55 SQ. (0.372 Ac), GRASSY - 0.549 Ac.
2. EXISTING ZONING OF PROPERTY - "BL-CLAS"
3. EXISTING USE OF PROPERTY - AUTO GLASS REPAIR & INSTALLATION
4. PROPOSED ZONING OF PROPERTY - "BL-CLAS" MINOR SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY - "AUTO GLASS REPAIR & INSTALLATION"
6. REQUIRED OFF-STREET PARKING:
EX. 304 - BUILDING = 1596 S.F. x 33,000 = 5.3 x G.F.S.
7. NO. OF PARKING SPACES SHOWN (422 304.5) : 15 x 3 = 1875
8. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE FOR AUTO GLASS REPAIR AND INSTALLATION IN A "BL-CLAS" ZONE AND TO CEASE USE AS A SERVICE STATION.
9. ZONING HISTORY OF PROPERTY:
CASE # 2888 RS - RECLASSIFICATION FOR FULL SERVICE STATION - GRANTED 7-29-80
CASE # 83-240 XSPA - SPECIAL EXCEPTION FOR MINI-FOOD STORE, SPECIAL MEETING TO AMEND 2888 RS TO CONVERT TO GAS AND GO AND TO AMEND RESTRICTIONS GRANTED 5-23-83. (CONVERSION NEVER DONE)
CASE # 30-371 XSPA (CASE # 83-240 XSPA RESUBMITTED) PETITION WITHDRAWN AND DISMISSED, 5-15-90.
CASE # 20-414 XSPA - GRANTED BY BOARD OF APPEALS, 1-8-91.
10. PETITIONER REQUESTING BY PUBLIC UTILITIES.
11. PETITIONER REQUESTING A VARIANCE TO SECTION 402.8.4.4 OF THE OCCR TO PERMIT A 10' SETBACK FOR PARKING SPACES TO A ROAD R/W LINE IN LIEU OF REQUIRED 10' (A VARIANCE 10').
12. PERMITTED F.A.R. = 3.0, EXISTING F.A.R. = 1596/16207.5 = 0.098

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL EXCEPTION
&
VARIANCE
401 STEMMERS RUN RD.

ELECT. DIST. 15 C 5
SCALE: 1" = 80'

95-239-XA

**PETITIONER'S
EXHIBIT 1-1**

PAUL LEE ENGINEERING, INC.
304 K. PENNSYLVANIA AVENUE
THUNDERBOLT, MARYLAND 21244

